December 17, 2008

APPROVE RESCISSION OF DR. JOSE BARILLAS' NOTICE OF INTENT TO RETIRE AND RESIGNATION PURSUANT TO BOARD RULE 4-16(b), AND AUTHORIZE REPAYMENT AGREEMENT BETWEEN JOSE BARILLAS AND THE BOARD FOR PENSION ENHANCEMENT PAYMENTS MADE
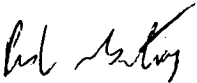
THE CHIEF EXECUTIVE OFFICER RECOMMENDS THE FOLLOWING:

That the Board of Education approve the rescission of Jose Barillas' ("Barillas") Notice of Intent to Retire and Resignation pursuant to Board Rule 4-16(b).

Barillas is eligible to rescind his notice of intent to retire inasmuch as: 1) Barillas has a contract with the Board to serve as the contract principal of Thurgood Marshall Middle School , which contract expires on June 30, 2012; 2) a Type 75 administrative certificate is a required or desired qualification for that position; 3) Barillas has requested to rescind his resignation or notice of intent to retire before the effective date of the resignation or notice of intent to retire; 4) Barillas has a record of performance with the Board that, in the judgment of the Board's Chief Executive Officer, demonstrates that he is uniquely qualified to fill the position principal position; and 5) Barillas and the Board agree that in satisfaction of Board Rule 4-16(b)(iv) and (b)(v), Barillas shall repay to the Board all monies paid to him in connection with his enrollment in the Board's Pension Enhancement Program (PEP), the Board shall credit Barillas' sick day bank, and that an appropriate credit, if any, shall be sought from the Teachers' Pension Fund based upon pension contributions made in connection to Barillas' enrollment in the PEP.

AUTHORIZATION: Authorize the Chief Human Resources Officer to rescind Jose Barillas' notice of intent to retire and resignation, contingent on a re-payment agreement, approved by the General Counsel, and/or wage deduction authorization from Jose Barillas consistent with this Board Report.
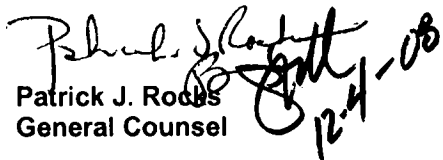
Within appropriation:

Pedro Martinez
Chief Financial Officer

Approved as to legal form:

Patrick J. Rocks
General Counsel

Respectfully submitted:

Anne Duncan
Chief Executive Officer